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Attorneys for Plaintiff and Petitioner
JAMES SELVITELLA

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JAMES SELVITELLA,
Plaintiff and Petitioner,

v.

CITY OF SOUTH SAN FRANCISCO,
CALIFORNIA, a Municipal Corporation,
PERSONNEL BOARD OF THE CITY OF
SOUTH SAN FRANCISCO, SOUTH SAN
FRANCISCO FIRE DEPARTMENT,
BARRY M. NAGEL, in his capacity as
SOUTH SAN FRANCISCO CITY
MANAGER, MARTY VAN DUYN, in his
capacity as SOUTH SAN FRANCISCO
ASSISTANT CITY MANAGER, PHILLIP
WHITE, individually and in his capacity as
CHIEF OF THE SOUTH SAN
FRANCISCO FIRE DEPARTMENT, and
DOES 1-500, inclusive,

Defendants and
Respondents.

CASE NO. C 08-04388 CW

**REQUEST FOR LEAVE FOR COUNSEL
OTHER THAN LEAD TRIAL COUNSEL
TO APPEAR AT CASE MANAGEMENT
CONFERENCE [L.R. 16-10]**

Date: December 23, 2008
Time: 2:00 p.m.
Courtroom: 2
Judge: Hon. Claudia Wilken

NOTICE AND REQUEST FOR RELIEF

Pursuant to Local Rule 16-10, James A. Lassart, Esq., lead trial counsel to plaintiff and petitioner herein James Selvitella, hereby requests to be excused from personally attending the Initial Case Management Conference for this action presently scheduled for Tuesday, December 23, 2008, 2:00 p.m. This request is made on the grounds that Mr. Lassart will be on vacation on

the date of the Conference, which plans he made before this Court entered its Order Setting Initial Case Management Conference. Mr. Lassart personally conferred with opposing counsel as required by FRCP 26(f). Mr. Selvitella would be represented at the Conference by other counsel from Mr. Lassart's office, and no prejudice would therefore result from granting this request.

Dated: December _____, 2008

ROPERS, MAJESKI, KOHN & BENTLEY

By: _____

JAMES A. LASSART
ADRIAN G. DRISCOLL
SPENCER C. MARTINEZ
Attorneys for Plaintiff and Petitioner
JAMES SELVITELLA

**DECLARATION OF JAMES A. LASSART IN SUPPORT OF REQUEST TO BE
EXCUSED FROM PERSONALLY ATTENDING INITIAL CASE MANAGEMENT
CONFERENCE**

I, James A. Lassart, declare as follows:

1. I am an attorney at law licensed to practice before all the courts of the State of California, and a member of the law firm of Ropers Majeski Kohn & Bentley, counsel herein to plaintiff and petitioner James Selvitella. If called as a witness, I would competently testify to the following facts, all of which are within my own personal knowledge.

2. I am lead trial counsel to Mr. Selvitella. On or about September 18, 2008, defendants removed this action to this Court and this Court entered its Order Setting Initial Case Management Conference and ADR Deadlines. In its Order, the Court scheduled the Initial Case Management Conference for this action on December 23, 2008. Local Rule 16-10 requires lead counsel to attend unless excused by the Court.

3. I will be departing on vacation to Egypt and Jordan on December 18, 2008 and returning after the New Year. The trip was planned and arranged before this Court entered its scheduling order. I therefore respectfully request that this Court excuse me from personally attending the Initial Case Management Conference set for December 23, 2008, and allow a

1 colleague from my office to appear on that date. I participated personally in the FRCP 26(f)
2 conference with opposing counsel, and therefore do not believe my absence on December 23rd
3 will hinder the proceedings.

4 I declare under penalty of perjury under the laws of the United States of America that the
5 foregoing is true and correct. Executed this 3rd day of December 2008 at San Francisco,
6 California.

7
8
9 JAMES A. LASSART

10
11 **ORDER**

12 GOOD CAUSE APPEARING, James A. Lassart is excused from personally attending the
13 Initial Case Management Conference herein on December 23, 2008. James Selvitella may be
14 represented at the Conference by other counsel from Mr. Lassart's office.

15 12/5/08

16 Dated: _____

17 

18 JUDGE OF THE DISTRICT COURT